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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,287	09/22/2005	Hideaki Yamaoka	10873.1753USWO 9535	
52835 7590 07/12/2007 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902			EXAMINER	
			GEHMAN, BRYON P	
MINNEAPOLIS, MN 55402-0902		ART UNIT	PAPER NUMBER	
			3728	
	•		MAIL DATE	DELIVERY MODE
			07/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

4.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension for the may be available under the povolescent of 3° CPR 1.18(i), in no event, hower, may a regity be trinely filed  If NO period for regity is specified above, the maximum stallulory parted wit apply and will expire SLX (b) MONTHS from the mailing date of this communication.  Failure to require within the set or called period for regity is specified above, the maximum stallulory parted with apply and will expire SLX (b) MONTHS from the mailing date of this communication.  Failure to require within the set or called period for regity is specified above. The maximum stallulory parted with apply and will expire SLX (b) MONTHS from the mailing date of this communication, even if timely fled, may reduce any evening plants that may apply the communication and provided by the Communication is provided by the set of the communication is not closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 10-18 is/are pending in the application.  4) Claim(s) 10-18 is/are rejected.  5) Claim(s) 10-18 is/are rejected.  7) Claim(s) 10-18 is/are rejected.  7) Claim(s) 10-18 is/are rejected.  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cacepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) B) Some * c) Mone of:  1. Certified copies of the priority documents have been received in Application No.  2. Ceptified copies of the priority documents have		Application No.	Applicant(s)				
Bryon P. Gehman   3728	Office Action Summer.	10/550,287	YAMAOKA, HIDEAKI				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address ─ Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Electronic or form may be available under the provision of 30° CRT 13616, inno event howers, real reply be smely filed  If NO period for reply is specified above, the maximum statutory period will apply and we lepine SIX (8) MONTHS from the mailing date of this communication.  Failube for reply within the set or centured period for reply will, by latable, case the application to become ABANDONE 0.3 u. S. C. § 1333.  Ary reply resident of the Office later than the mailing date of this communication, even if timely filed, may reduce any semice patient from adjustment. Size 97 FR. 17-180.  Status  1) □ Responsive to communication(s) filed on 22 December 2005.  2a □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 10-18 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) is/are allowed.  8) □ Claim(s) is/are allowed.  8) □ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner.  Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of.  1. □ Certified copies of the	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  ***article String Month Is a communication of the communication of the process of the communication of the process of the communication of the process of the process of the communication of the process of the process of the communication of the process of the process of the communication of the process of the communication of the communication of the process of the communication of the process of the communication of the c			I				
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be analysised under the provisions of 37 CFR 1.15(6). In or event, however, may a reply be timely filed after 30 (6) MONTHS from the mailing date of this communication.  Failive to reply within the act or extended period for regly will, by status, cause the application to become ABANDONED (18 U.S.C. § 113).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patient them adjustment. See 37 CFR 1.704(6).  Status  1) ☑ Responsive to communication(s) filed on 22 December 2005  2a) ☐ This action is FINAL.  2b) ☑ This action is FINAL.  3.□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 ☑ Claim(s) 10-18 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 □ Claim(s) 10-18 is/are allowed.  Claim(s) 10-18 is/are rejected.  Claim(s) 10-18 is/are rejected.  Claim(s) is/are objected to.  B) ☐ Claim(s) is/are objected to.  B) ☐ Claim(s) is/are objected to by the Examiner.  Application Papers  9) ☐ The specification is objected to by the Examiner.  Application Papers  9) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Application Papers  9) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☑ All b) ☐ Some * o) ☐ None of:  1. ☑ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not rece	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
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1. The abstract of the disclosure is objected to because the reference numerals used therein should be in parentheses. Correction is required. See MPEP § 608.01(b).

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2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, "is at least partly transparent or semi-transparent" is alternatively indefinite and should be --is one of at least partly transparent and semi-transparent--. See also claim 18, lines 1-2.

In claim 11, lines 2-3, "the transparent or semi-transparent part" lacks antecedent basis.

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001141686.in view of either one of Yamamoto et al. (4,889,229) and Swain (3,139,976). JP 2001141686 discloses a sensor-container combination comprising a

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container (3) and a plurality of sensors stored in the container. Yamamoto et al. and Swain each disclose providing a container (11; 11; respectively) that is transparent and provided with a scale (15; 17 and 18) to allow viewing and determining the remaining content of the container. To modify the container of JP 2001141686 employing the transparent scaled container teaching of either one of Yamamoto et al. and Swain would have been obvious in order to ascertain the remaining content of the sensor container, as suggested by either one of Yamamoto et al. and Swain.

As to claim 12, to provide a lid to a container would have been obvious in order to close the container after filling and render openable and reclosable, considered to be notoriously old and well-known, official notice being so taken.

As to claims 13-17, to employ sensors having lightfastness, an apparently know quality in view of applicant's disclosure and discussion thereof, would have been an obvious substitution of interchangeable sensors in the combination.

As to claim 18, to provide the container as part transparent and part non-transparent is not new in general, and such is not seen to provide any new or unexpected by its provision.

6. Claims 13-17 are further rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 10 above, and further in view of any one of Say et al. (6,464,849), Feldman et al. (6,461,496) and Say et al. (6,175,752). Each discloses sensors that are composed of materials resistant to ultraviolet light, therefor having inherent lightfastness. To modify the claimed container of JP 2001141686 employing a

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particular sensor therein would have been obvious, the choice such as per any one of the Say et al. references and Feldman et al. being an obvious substitution to one of ordinary skill in the art.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stewart et al. discloses a partially transparent container. Flener discloses a scaled container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Tuesday through Thursday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

phys P. Fel

Bryon P. Gehman Primary Examiner Art Unit 3728

**BPG**